

REMARKS

Favorable reconsideration of this application is respectfully requested in view of the following remarks.

Claims 1-16, 23 and 34 have been canceled without prejudice or disclaimer of the subject matter contained therein. Thus, claims 17-22, 24-33, 35 and 36 remain pending in the present application, of which claims 17, 27 and 28 are independent.

Noted - IDS Considered

The indication (see Examiner-initialed attachment to the Office Action mailed April 25, 2008) that the Information Disclosure Statement (IDS) as filed on November 14, 2007 and references listed therein have been considered is noted with appreciation.

Noted - Drawings Approved

The indication (see the Office Action Summary mailed May 10, 2007, boxes 10(a) have been checked) that the Drawings (submitted on April 13, 2004) have been approved is noted with appreciation.

Claim Rejection Under 35 U.S.C. §103

Claims 17, 18, 20, 24, 25, 27-29, 31, 35 and 36 are rejected under 35 U.S.C. §103(a) as being unpatentable over Keller (US 5,752,032) in view of Ellison et al. (US 6,507,904, hereinafter Ellison).

INDEPENDENT CLAIM 17

As an example, the Office Action acknowledges that features of claim 17, namely

*a different set of the resources being available when each one of the operation modes is set; ...; and
an access control unit in the central processing unit to refine the resources retained by the retaining unit to an accessible set of resources corresponding to the current operation mode, and to determine, when the input command is included in the set of commands corresponding to the current operation mode, whether a necessary resource to execute the input command is included or not in the accessible set of resources.*

distinguish over Keller (see page 4 of the Office Action). As will be explained below, at least that same features of claim 17 also provide a distinction over Ellison, and thus over its combination with Keller.

The Ellison reference states: "*The processor nub loader 52 verifies and loads a ring-0 nub software module (e.g., processor nub 18) into the isolated area.*" (col.4, lines 63-65). Thus, Ellison merely discloses verifying and loading a ring-0 nub software module. However, Ellison does not disclose "*an access control unit ... to refine the resources ... to an accessible set of resources ... and to determine ... whether a necessary resource ... is included or not in the accessible set of resources*". Hence, the noted features of claim 17, namely

a different set of the resources being available when each one of the operation modes is set; and

an access control unit in the central processing unit to refine the resources retained by the retaining unit to an accessible set of resources corresponding to the current operation mode, and to determine, when the input command is included in the set of commands corresponding to the current operation mode, whether a necessary resource to execute the input command is included or not in the accessible set of resources,

provide a distinction over Ellison, and thus over its combination with Keller.

Among other things, a *prima facie* case of obviousness must establish that the asserted combination of references teaches or suggests each and every element of the claimed invention. In view of the distinction of claim 17 noted above, at least one claimed element is not present in the asserted combination of references. Hence, the Office Action fails to establish a *prima facie* case of obviousness vis-à-vis claim 17. Claims 18, 20, 24 and 25 depend from claim 17, respectively, and so at least similarly distinguish over the asserted combination of references.

INDEPENDENT CLAIMS 27 AND 28

As an example, the Office Action acknowledges that features of claims 27 and 28, namely

a different set of resources required for executing the commands that are available when the each one of the operation modes is set,

refining, using the central processing unit, the resources retained in the retaining unit in the central processing unit to an accessible set of resources corresponding to the current operation mode; and

determining, using the central processing unit, whether a necessary resource to execute the input command is

included or not in the accessible set of resources, when the input command is included in the set of commands corresponding to the current operation mode.

distinguish over Keller (see page 4 of the Office Action). As will be explained below, at least that same features of claims 27 and 28 also provide a distinction over Ellison, and thus over its combination with Keller.

The Ellison reference states: "*The processor nub loader 52 verifies and loads a ring-0 nub software module (e.g., processor nub 18) into the isolated area.*" (col.4, lines 63-65). Thus, Ellison merely discloses verifying and loading a ring-0 nub software module. However, Ellison does not disclose "*refining ... the resources ... to an accessible set of resources ... and determining ... whether a necessary resource ... is included or not in the accessible set of resources*". Hence, the noted features of claims 27 and 28, namely

a different set of resources required for executing the commands that are available when the each one of the operation modes is set,

refining, using the central processing unit, the resources retained in the retaining unit in the central processing unit to an accessible set of resources corresponding to the current operation mode; and

determining, using the central processing unit, whether a necessary resource to execute the input command is included or not in the accessible set of resources, when the input command is included in the set of commands corresponding to the current operation mode.

provide a distinction over Ellison, and thus over its combination with Keller.

Among other things, a *prima facie* case of obviousness must establish that the asserted combination of references teaches or suggests each and every element of the claimed invention. In view of the distinction of claims 27 and 28 noted above, at least one claimed element is not present in the asserted combination of references. Hence, the Office Action fails to establish a *prima facie* case of obviousness vis-à-vis claims 27 and 28. Claims 29, 31, 35 and 36 depend from claim 28, respectively, and so at least similarly distinguish over the asserted combination of references.

In view of the foregoing discussion, the rejection of claims 17, 18, 20, 24, 25, 27-29, 31, 35 and 36 is improper. Accordingly, withdrawal of the rejection is respectfully requested.

OTHER CLAIMS

Claims 19 and 30 are rejected under 35 U.S.C. §103(a) as being unpatentable over Keller in view of Ellison and further in view of Heinonen et al. (US 6,633,758, hereinafter Heinonen).

Claims 21, 22, 32 and 33 are rejected under 35 U.S.C. §103(a) as being unpatentable over Keller in view of Ellison and further in view of Bryon Nevis et al. (US 6,581,159, hereinafter Bryon Nevis).

Claim 26 is rejected under 35 U.S.C. §103(a) as being unpatentable over Keller in view of Ellison, further in view of Mark Biondi (US 6,622,246) and further in view of Brent Gregory et al. (US 5,748,488, hereinafter Brent Gregory).

Claims 19, 21, 22, 26, 30, 32 and 33 depend from independent claims 17 and 28, respectively. A basis for how Keller and Ellison are deficient vis-à-vis claims 17 and 28 has been discussed above. The Office Action does not rely upon Heinonen, Bryon Nevis, Mark Biondi or Brent Gregory to compensate for these deficiencies. Hence, the noted features of claims 17 and 28 also provide a distinction over Heinonen, Bryon Nevis, Mark Biondi, and Brent Gregory.

Among other things, a *prima facie* case of obviousness must establish that the asserted combination of references teaches or suggests each and every element of the claimed invention. In view of the distinction of claims 17 and 28 noted above, at least one claimed element is not present in the asserted combination of references. Hence, the Office Action fails to establish a *prima facie* case of obviousness vis-à-vis claims 17 and 28. Claims 19, 21, 22, 26, 30, 32 and 33 depend from claims 17 and 28, respectively, and so at least similarly distinguish over the asserted combination of references.

In view of the foregoing discussion, the rejections of claims 19, 21, 22, 26, 30, 32 and 33 are improper. Accordingly, withdrawal of the rejections is respectfully requested.

Conclusion

In light of the foregoing, withdrawal of the rejections of record and allowance of this application are earnestly solicited.

Should the Examiner believe that a telephone conference with the undersigned would assist in resolving any issues pertaining to the allowability of the above-identified application, please contact the undersigned at the telephone number listed below.

PATENT

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Please grant any required extensions of time and charge any fees due in connection with this request to deposit account no. 50-4610.

Respectfully submitted,

Dated: November 15, 2010

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